REMARKS/ARGUMENTS

The Applicant acknowledges, with thanks, the office action dated February 6, 2008. Claims 1-27 are currently pending. This Amendment is in response to the February 6, 2008 Office Action. Reconsideration of the Application is respectfully requested for the reasons that will be set forth below.

NON-ART MATTERS

Claims 10, 13, and 16 have been amended to overcome Examiner's objection to the phrase "adapted for."

ART MATTERS

Claims 1-4, 8, 10-12, 17, 19-22, and 26 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Publication No. 2002/0071449 to Ho et al. (hereinafter, "Ho").

Independent claims 1, 10, and 19 are directed to a method or system of operation for an access point having a basic service set comprising a plurality of associated stations in a plurality of operating modes, including at least one station operating in power-save protocol mode. The access point monitors all virtual local area networks comprising at least one station associated with the access point. The access point then determines, for each of the virtual local area networks, those networks having all associated stations supporting low-latency data transmission, e.g. all stations in the virtual local area network are operating in active mode. The access point then identifies which virtual local area networks have all stations in active mode, i.e. supporting low-latency data transmission. Low-latency multicast/broadcast data packets are then immediately forwarded to the identified virtual area network.

Contrary to the instant claims, Ho does not immediately forward low-latency multicast/broadcast data packets to a virtual area network having only active stations. Rather, Ho captures a wireless medium during a contention period, allows a station to transmit, and then recaptures the medium once the station has transmitted. The system categorizes network traffic and assigns quality of service (QoS) parameters/priorities to the categories. Thereafter, network traffic having low-latency requirements are assigned higher priorities to transmittal than network traffic having high-latency requirements. For example, voice or video network traffic is assigned a higher priority to transmittal than data or file transfer network traffic. During a contention period, a controller captures the wireless medium and enables the transmittal of network traffic assigned to a high priority category prior to allowing lower priority network traffic to traverse

the captured medium. Thus, Ho bases transmittal on the priority assigned to incoming data packets, not on the operational mode of an associated station. Nothing in Ho teaches the method for immediately delivering broadcast/multicast data packets to a virtual local area network having all stations active, while at the same time at least one station associated with the access point, i.e. in the same basic service set, in power-save protocol operation. Thus, Applicant respectfully submits that as Ho fails to disclose, teach, and/or suggest every element of independent claims 1, 10, and 19, Ho does not anticipate the invention as claimed.

Claims 2-4 and 8 depend directly from claim 1 and thus contain each and every element of claim 1. Therefore, claims 2-4 and 8 are not anticipated by Ho for the same reasons set forth for claim 1. Claims 11-12 and 17 depend directly from claim 10 and thus contain each and every element of claim 10. Therefore, claims 11-12 and 17 are not anticipated by Ho for the same reasons set forth for claim 10. Claims 20-22 and 26 depend directly from claim 19 and thus include each and every element of claim 19. Therefore, claims 20-22 and 26 are not anticipated by Ho for the same reasons set forth for claim 19.

Claims 5-7, 9, 14, 15, 18, 23-25, and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ho in view of U.S. Patent Publication No. 2003/0193930 to Wotherspoon et al. (*hereinafter*, "Wotherspoon"). Withdrawal of this rejection is respectfully requested for the reasons that will now be set forth.

The aforementioned deficiencies in Ho noted above with respect to claims 1, 10, and 19 are not remedied by any teaching of Wotherspoon. In contrast to the subject claims, Wotherspoon is directed to 802.11-based walkie-talkies that use virtual channels analogous to RF channels used in standard walkie-talkies. Wotherspoon does not teach the monitoring/tracking of the operational mode of each of the stations in a virtual local area network to determine whether all stations in the virtual local area network are currently active. Similar to Ho, Wotherspoon prioritizes transmission based upon priority assigned to network traffic and not based upon the operating mode of an associated station, e.g. active or power-save. Furthermore, Wotherspoon does not teach or suggest the immediate delivery of network traffic to all stations in a virtual local area network upon the determination that all stations in that virtual local area network are active irrespective of whether or not any station in a different virtual local area network, but part of the same basic service set is in power-save protocol operation. In addition, by particularly using 802.11, any station in power-save protocol operation in the basic

service set of the access point will result in the access point batching and queuing any incoming packets for any station in the basic service set until the next DTIM, regardless of the priority of the incoming data packet, thereby teaching away from the subject application.

Therefore, neither Ho or Wotherspoon, alone or in combination, teach or suggest all of the elements of independent claims 1, 10, and 19. Claims 5-7 and 9 depend directly from claim 1 and therefore contains each and every element of claim 1. Therefore, claims 5-7 and 9 are not obvious in view of Ho and/or Wotherspoon for the same reasons set forth for claim 1. Claims 14, 15, and 18 depend directly from claim 10 and therefore contains each and every element of claim 10. Therefore, claims 14, 15, and 18 are not obvious in view of Ho and/or Wotherspoon for the same reasons set forth for claim 10. Claims 23-25 and 27 depend directly from claim 19 and therefore contains each and every element of claim 19. Therefore, claims 23-25 and 27 are not obvious in view of Ho and/or Wotherspoon for the same reasons set forth for claim 19.

CONCLUSION

In accordance with the afore-noted amendments and comments, it is submitted that all claims are patentably distinct over the art, and in condition for allowance thereover. An early allowance of all claims is respectfully requested.

If there are any fees necessitated by the foregoing communication, the Commissioner is hereby authorized to charge such fees to our Deposit Account No. 50-0902, referencing our Docket No.72255/33241.

Respectfully submitted,

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